

## HOUSE BILL NO. 382

INTRODUCED BY HAMILTON, BONIEK, VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A RESIDENT APPRENTICE HUNTING CERTIFICATE; ESTABLISHING THE TERMS AND CONDITIONS OF THE CERTIFICATE, INCLUDING A TEMPORARY EXEMPTION FROM THE REQUIREMENT TO COMPLETE A HUNTER SAFETY AND EDUCATION COURSE AND A CONDITION THAT HUNTING AS AN APPRENTICE BE CONDUCTED IN THE PRESENCE OF A MENTOR WHO IS A PREVIOUSLY AND CURRENTLY LICENSED HUNTER AND WHO HAS COMPLETED A HUNTER SAFETY AND EDUCATION COURSE; DEFINING "APPRENTICE HUNTER" AND "MENTOR"; AND AMENDING SECTION 87-2-105, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Temporary exemption from safety instruction for certified apprentice hunter -- conditions of certification and hunting.** (1) The department may issue an apprentice hunting certificate to a resident, as defined in 87-2-102, ~~regardless~~ NOT LESS THAN 14 YEARS of age. A hunter with an apprentice certificate may purchase any resident hunting license at the regular price, but is ineligible to apply for or purchase a special license or permit issued by drawing.

(2) (a) To qualify for an apprentice certificate under this section, an applicant need not have completed a hunter safety and education course as required in 87-2-105, and the applicant or the applicant's parent or guardian shall affirm by affidavit that the applicant will conduct all hunting as an apprentice hunter while accompanied by a mentor who meets the qualifications of subsection (2)(b). An applicant may use an apprentice certificate to purchase hunting licenses for not more than 5 1 license ~~years~~ YEAR.

(b) To qualify as a mentor who will accompany an apprentice hunter, a person must have:

(i) attained 21 years of age;

(ii) completed a Montana hunter safety and education course, if required pursuant to 87-2-105, or a substantially similar course offered by another state;

(iii) purchased a resident hunting license in a prior license year;

(iv) a current resident hunting license; and

(v) agreed to accompany and directly supervise ~~the~~ A SINGLE apprentice hunter and remain within sight

1 of and direct voice contact with the apprentice hunter at all times while in the field, UNAIDED BY OPTICS,  
2 AMPLIFICATION, OR COMMUNICATION DEVICES.

3 (3) The commission may by rule establish additional necessary conditions under which an apprentice  
4 hunter certificate may be issued and exercised pursuant to this section.

5 (4) An apprentice hunter or mentor who violates the terms of this section is subject to the loss of  
6 privileges granted by this section for the license season for which the privileges have been granted.

7 (5) As used in this section:

8 (a) "apprentice hunter" means a hunter who meets the conditions of subsection (2)(a) and who is licensed  
9 to hunt pursuant to the terms of this section; and

10 (b) "mentor" means a person who meets the conditions of subsection (2)(b) and who accompanies a  
11 licensed apprentice hunter.

12 (6) THE DEPARTMENT SHALL REPORT TO THE 62ND LEGISLATURE REGARDING THE SUCCESS OF THE APPRENTICE  
13 HUNTER PROGRAM AND MAKE RECOMMENDATIONS FOR MODIFICATION OR IMPROVEMENT NEEDED TO ACHIEVE THE  
14 OBJECTIVES OF THE PROGRAM.

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16 **Section 2.** Section 87-2-105, MCA, is amended to read:

17 **"87-2-105. Safety instruction required.** (1) Except for a youth who qualifies for a license pursuant to  
18 87-2-805(4) and except as provided in [section 1], a hunting license may not be issued to a person who is born  
19 after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

20 (a) a Montana hunter safety and education course established in subsection (4) or (6); or

21 (b) a hunter safety course in any other state or province.

22 (2) A hunting license may not be issued to a member of the regular armed forces of the United States  
23 or to a member of the armed forces of a foreign government attached to the armed forces of the United States  
24 who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to  
25 a member's dependents, as defined in 15-30-113, who reside in the member's Montana household, unless the  
26 person authorized to issue the license determines proof of completion of a hunter safety course approved by the  
27 department or a hunter safety course in any state or province.

28 (3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized  
29 to issue the license receives an archery license issued for a prior hunting season or determines proof of  
30 completion of a bowhunter education course from the national bowhunter education foundation or any other

1 bowhunter education program approved by the department. Neither the department nor the license agent is  
2 required to provide records of past archery license purchases. As part of the department's bow and arrow  
3 licensing procedures, the department shall notify the public regarding bowhunter education requirements.

4 (4) The department shall provide for a hunter safety and education course that includes instruction in  
5 the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one  
6 of its objectives the promotion of hunter safety and education. The department may designate as an instructor  
7 any person it finds to be competent to give instructions in hunter safety and education, including the handling of  
8 firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from  
9 Montana's hunter safety and education course to a person successfully completing the course.

10 (5) The department shall provide for a course of instruction from the national bowhunter education  
11 foundation or any other bowhunter education program approved by the department and for that purpose may  
12 cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling  
13 of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give  
14 bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a  
15 certificate of completion to any person successfully completing the course.

16 (6) The department may develop an adult hunter safety and education course.

17 (7) The department may adopt rules regarding how a person authorized to issue a license determines  
18 proof of completion of a required course."

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20 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
21 integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

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